

The Honorable Brian A. Tsuchida

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL W. BOWDEN,

Defendant.

NO. MJ16-415

COMPLAINT

Counts 1, 2, and 3

18 U.S.C. § 1951(a)

(Extortion Under Color of Official Right)

Count 4

21 U.S.C. §§ 846 and 841(a)(1)

and (b)(1)(C)

(Attempted Distribution of a Controlled
Substance)

BEFORE the Honorable Brian A. Tsuchida, United States Magistrate Judge, United
States Courthouse, Seattle, Washington

The undersigned complainant being duly sworn states:

COUNT 1

(Extortion Under Color of Official Right)

On July 12, 2016, in Everett, Washington, in the Western District of Washington
and elsewhere, the defendant, MICHAEL W. BOWDEN, obstructed, delayed, and
affected commerce and attempted to obstruct, delay and affect commerce, and the

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1 movement of articles and commodities in commerce, by extortion, in that defendant
 2 MICHAEL W. BOWDEN obtained and attempted to obtain money from an inmate
 3 housed at the Monroe Correctional Complex, a prison facility within the Washington
 4 State Department of Corrections, and Individual #1, acting on the inmate's behalf, which
 5 was not due defendant MICHAEL W. BOWDEN or his office, in his capacity as a
 6 Correctional Officer with the Washington State Department of Corrections, under color
 7 of official right.

8 All in violation of Title 18, United States Code, Section 1951(a).

9 **COUNT 2**
 10 **(Extortion Under Color of Official Right)**

11 On August 3, 2016, in Everett, Washington, in the Western District of Washington
 12 and elsewhere, the defendant, MICHAEL W. BOWDEN, obstructed, delayed, and
 13 affected commerce and attempted to obstruct, delay, and affect commerce, and the
 14 movement of articles and commodities in commerce, by extortion, in that defendant
 15 MICHAEL W. BOWDEN obtained and attempted to obtain money from an inmate
 16 housed at the Monroe Correctional Complex, a prison facility within the Washington
 17 State Department of Corrections, and Individual #1, acting on the inmate's behalf, which
 18 was not due defendant MICHAEL W. BOWDEN or his office, in his capacity as a
 19 Correctional Officer with the Washington State Department of Corrections, under color
 20 of official right.

21 All in violation of Title 18, United States Code, Section 1951(a).

22 **COUNT 3**
 23 **(Extortion Under Color of Official Right)**

24 On September 20, 2016, in Everett, Washington, in the Western District of
 25 Washington and elsewhere, the defendant, MICHAEL W. BOWDEN, obstructed,
 26 delayed, and affected commerce and attempted to obstruct, delay, and affect commerce,
 27 and the movement of articles and commodities in commerce, by extortion, in that

1 defendant MICHAEL W. BOWDEN obtained and attempted to obtain money from an
2 inmate housed at the Monroe Correctional Complex, a prison facility within the
3 Washington State Department of Corrections, and Individual #1, acting on the inmate's
4 behalf, which was not due defendant MICHAEL W. BOWDEN or his office, in his
5 capacity as a Correctional Officer with the Washington State Department of Corrections,
6 under color of official right.

7 **COUNT 4**
8 **(Attempted Distribution of Methamphetamine)**

9 On or about September 20, 2016, in Monroe, Washington, in the Western District
10 of Washington and elsewhere, the defendant, MICHAEL W. BOWDEN, did knowingly
11 and intentionally attempt to distribute methamphetamine, a Schedule II controlled
12 substance.

13 In violation of Title 21, United States Code, Sections 846 and 841(a)(1) and
14 (b)(1)(C).

1 The undersigned complainant, being duly sworn, states:

2 1. I, Matthew A. Thoresen, am a Special Agent for the Federal Bureau of
3 Investigation ("FBI"). I have been a Special Agent for the past 7 years. During my
4 career, I have investigated cases involving bribery and corruption by federal, state and
5 local public officials, including violations in which corrupt Correctional Officers accept
6 bribe monies in exchange for facilitating the illegal introduction of contraband into prison
7 facilities. I am currently assigned to a squad that is in part responsible for the
8 investigation of public corruption. The information in this affidavit is based on my
9 personal knowledge, review of documents and other evidence, and information received
10 from other law enforcement and investigative personnel, including individuals from the
11 Intelligence and Investigations Unit at the Washington State Department of Corrections
12 Monroe Correctional Complex in Monroe, Washington.

13 2. I believe that the investigation leading to the filing of this affidavit has
14 established probable cause to believe that MICHAEL W. BOWDEN attempted to
15 obstruct, delay or affect commerce, and the movement of articles and commodities in
16 commerce, by extortion in his capacity as a Correctional Officer with the DOC, under
17 color of official right in violation of Title 18, United States Code, Section 1951(a) and
18 knowingly and intentionally attempted to distribute methamphetamine, a controlled
19 substance, in violation of Title 21, United States Code, Sections 846 and 841(a)(1) and
20 (b)(1)(C).

21 3. Because this Complaint is submitted for the limited purpose of establishing
22 probable cause, it does not set forth each and every fact that I or others have learned
23 during the course of this investigation. I have set forth only the facts that I believe are
24 necessary to determine the existence of probable cause that MICHAEL W. BOWDEN
25 has committed the offense of Extortion Under Color of Official Right, in violation of
26 Title 18, Section 1951(a), and Attempted Distribution of Methamphetamine, in violation
27 of Title 21, United States Code, Sections 846 and 841(a)(1) and (b)(1)(C).

DETAILS OF INVESTIGATION

The Inception of the Investigation

4. In approximately December 2015, the FBI began conducting an investigation into allegations that Washington State Correctional Officer MICHAEL W. BOWDEN had solicited and received bribe money in exchange for smuggling contraband chewing tobacco and illegal narcotics into the prison facility at the Monroe Correctional Complex ("MCC").

5. On June 14, 2016, I spoke with the Chief Investigator at the MCC who detailed information received from a cooperating inmate ("Inmate-1"). Inmate-1 had relayed to the Chief Investigator that BOWDEN had solicited and received a \$100 bribe to smuggle in one or two packages of chewing tobacco (each package containing five containers of chewing tobacco) on at least five occasions. Inmate-1 alleged that BOWDEN met an individual known to Inmate-1¹ outside the MCC prison facility and took delivery of the tobacco and money. BOWDEN then smuggled the chewing tobacco into MCC for the benefit of and delivery to Inmate-1.

6. After MCC received this information from Inmate 1, I identified the cellular telephone number for BOWDEN and obtained his toll records. I reviewed these phone records for BOWDEN's cellular telephone and discovered at least 60 text message communications between the individual known to Inmate-1 and BOWDEN, in violation of DOC 850.030 (as outlined below).

7. On June 28, 2016, I met with the individual known to Inmate-1 who agreed to act as a confidential human source ("CHS-1"). CHS-1 confirmed knowing Inmate-1 and meeting in person with BOWDEN on at least five separate occasions between January 2016 and April 2016 to deliver chewing tobacco and a cash bribe payment to BOWDEN for smuggling the tobacco into MCC for the benefit of Inmate-1 and others.

¹ As set forth in this Complaint, I opened this individual as a Confidential Human Source after receiving this information from DOC-IIU. This individual is Individual #1 described in Counts 1 through 4 above.
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1 CHS-1 told me that CHS-1 and BOWDEN arranged these meetings by exchanging text
2 messages. I reviewed BOWDEN's telephone records and confirmed BOWDEN and
3 CHS-1 exchanged messages during the period between November 2015 and April 2016.
4 CHS-1 said CHS-1 paid BOWDEN \$100 for each delivery of approximately five cans of
5 chewing tobacco on each of the five separate occasions. CHS-1 met BOWDEN on the
6 first two occasions at a shopping mall in Everett, WA. CHS-1 met BOWDEN on the
7 third occasion in the vicinity of his residence in Everett, WA. CHS-1 met BOWDEN in
8 the parking lot of a supermarket in Everett, WA on the fourth occasion and in the vicinity
9 of BOWDEN's residence on the fifth occasion.

10 8. CHS-1 stated that Inmate-1 brought the allegations forward to Investigators
11 at MCC because CHS-1 became concerned when BOWDEN said he wanted to make
12 more money and could bring in "hard stuff." In my training and experience, I know that
13 a BOWDEN's reference to "hard stuff" likely meant illegal narcotics. CHS-1 became
14 increasingly concerned when BOWDEN sent a message to CHS-1 telling CHS-1 that
15 Inmate-1 and another inmate had been pulled into an office at MCC. CHS-1 took this to
16 mean that Inmate-1 was in trouble.

17 9. CHS-1 and Inmate-1 provided information and assistance through the
18 course of the investigation with the understanding that Inmate-1 would not receive any
19 reduction in Inmate-1's period of incarceration. Inmate-1 has an extensive criminal
20 record and is currently serving a lengthy prison sentence. In addition to the concern
21 about BOWDEN's reference to "hard stuff," CHS-1 told me that CHS-1 and Inmate 1's
22 motivation to provide assistance was as follows: (1) CHS-1 and Inmate-1 want Inmate 1
23 to remain incarcerated at MCC, as opposed to another facility; and (2) both CHS-1 and
24 Inmate-1 would like MCC to modify its normal visitation policies and procedures for the
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28

benefit of Inmate-1.² Inmate-1 and CHS-1 understood that no promises or guarantees could or would be made by the FBI or DOC personnel concerning these requests.

BOWDEN's DOC Employment

10. From July 2013 through the present, MICHAEL W. BOWDEN was a Correctional Officer employed at the MCC, which is a prison facility within the Washington State Department of Corrections ("DOC").

11. The MCC, a Washington State prison facility with an operating capacity of approximately 2,400 male offenders, is run, overseen and subject to DOC regulations.

12. MCC has five primary facilities with different custody levels, including maximum, close, and minimum.

13. During the course of the investigation, BOWDEN worked in three units: (1) Intensive Management Unit – a maximum security unit; (2) Washington State Reformatory – a medium security unit; and (3) the Twin Rivers Unit ("TRU") – a medium and minimum security unit.

14. From July 2013 through July 2014, BOWDEN held the job title of "Correctional Officer 1," during which his job duties included supervising inmates and ensuring the safety of the facilities at MCC.

15. In July 2014, BOWDEN's job title changed to "Correctional Officer 2."

16. On July 10, 2015, BOWDEN's base salary, excluding voluntary or mandatory overtime pay, was approximately \$40,212.

DOC Policies Governing BOWDEN's Conduct

17. On July 3, 2013, during employee intake and introduction, BOWDEN agreed to and signed the DOC "New Employee Policy Acknowledgement," stating and affirming to, among other things: (1) receipt of the DOC Employee Handbook; and

² During the course of the investigation, I also gave CHS-1 one payment of \$750 cash in exchange for her assistance.

1 (2) understanding his responsibility to be familiar with and abide by: (a) DOC 800.010
2 ("Ethics"); (b) DOC 850.030 ("Employee Relationships/Contact with Offenders"); and
3 (c) DOC 190.500 ("Smoking Policy").

4 18. DOC 850.010 Directive III(A), governing DOC employees, states, among
5 other things, that "Employees/contract staff will not accept any gifts, rewards, or
6 gratuities from any source, except as authorized by policy," as outlined in greater detail in
7 DOC 850.030.

8 19. Among other things, DOC 850.030 states that "Employees, contract staff,
9 or volunteers will not transmit messages, mail, or property for or to offenders or their
10 known immediate family or associates, except when authorized as part of their official
11 duties."

12 20. Moreover, DOC 850.030 states that "No employees, contract staff, or
13 volunteer will give or accept gifts/gratuities/favors, barter or have any financial dealings
14 with or for offenders or their known immediate family or associates."

15 21. Additionally, DOC 850.030 states that "Personal or business
16 communications and relationships with offenders or their known immediate family or
17 associates are inappropriate and prohibited..." and "Employees, contract staff, and
18 volunteers will report contact with offenders or their known immediate family or
19 associates, not authorized within official duties, to their Appointing Authority on DOC
20 03-039...no later than the next working day."

21 22. DOC 190.500 states, among other things, that "Offenders may have access
22 to smoke producing substances for religious practices and religious group use as
23 authorized by DOC 560.200 Religious Program" and "Offenders will not be permitted to
24 use any other tobacco products." DOC 190.500 further states that "Disciplinary action
25 may be initiated against staff for the introduction of any unauthorized tobacco products
26 into the secure perimeter of a Prison."

Reports to DOC of BOWDEN's Efforts to Smuggle Contraband into MCC

23. In December 2015, DOC Intelligence and Investigations Unit ("DOC-IIU") personnel received inmate reporting that BOWDEN was smuggling in chewing tobacco and illegal narcotics into MCC for the benefit of inmates in exchange for bribe payments. DOC-IIU is responsible for conducting investigations concerning inappropriate conduct by inmates and MCC personnel, with a focus on the smuggling of contraband into the facility.

24. On May 2, 2016, an Investigator from DOC-IIU filed a report, based on information received from Inmate-1, corroborated by another inmate ("Inmate-2"), that BOWDEN smuggled in chewing tobacco for another inmate.

25. On May 5, 2016, an Investigator from DOC-IIU filed a report based on information received from Inmate-2 that Inmate-1 and a co-conspirator inmate ("Inmate-3") were receiving heroin secreted in a contraband can of chewing tobacco smuggled into the facility by BOWDEN. Inmate-2 reported that BOWDEN meets an associate of Inmate-1 outside MCC to take delivery of the contraband to smuggle into the facility. Inmate-2 stated that Inmate-3 "signed" to him the day prior that Inmate-3 was getting some "black" in. In my training and experience, "signed" means that Inmate-3 gave Inmate-2 a hand signal and the reference to "black" means black tar heroin, a controlled substance.

26. On May 6, 2016, an Investigator from DOC-IIU filed a report based on information received from a separate inmate ("Inmate-4"), regarding BOWDEN's unauthorized access to a prison computer system in which he was disclosing information to inmates regarding the location and offender status of various offenders held in custody in the DOC system.

27. On May 28, 2016, an Investigator from DOC-IIU received a report from another inmate ("Inmate-5") stating that BOWDEN was smuggling contraband methamphetamine into MCC for the benefit of inmates inside the prison.

1 28. On July 4, 2016, July 5, 2016, and July 7, 2016, an Investigator from DOC-
2 IIU filed separate reports, detailing information from Inmate-5 stating that BOWDEN
3 was bringing in heroin for an offender housed at MCC.

4 29. Based upon data I received from MCC, there has been a significant increase
5 in the number of inmates testing positive for the use of controlled substances in 2016.
6 Officials at MCC reported that in 2015, there were seven confirmed positive urinalysis
7 (UA) drug tests from inmates housed at TRU. In 2016, there have been at least 56
8 positive UAs to date, with the majority being for methamphetamine.

9 **Smuggling of Contraband Tobacco**

10 30. Based upon the above information, the FBI began utilizing CHS-1 in an
11 effort to determine if BOWDEN was in fact smuggling contraband into the MCC. I
12 directed CHS-1 to set up a meeting with BOWDEN, similar to those alleged to have
13 taken place prior to the FBI investigation, in which BOWDEN would receive cash in
14 exchange for smuggling tobacco into the MCC for the benefit of Inmate-1.

15 31. On or about July 6, 2016, CHS-1 participated in a text message exchange
16 with BOWDEN and I collected and preserved electronic screen captures of the referenced
17 messages:

18 CHS-1: I have some money for you and I wanted to see if we could meet so I can
19 give you some more chew [meaning smokeless tobacco].

20 BOWDEN: oh right on, how much?

21 CHS-1: \$500

22 BOWDEN: cool, cool, we have a slight issue with the chew though. Where were you
23 thinking? sorry, when*

24 CHS-1: What's the issue with the crew [sic] I was thinking Monday or Tuesday.
25 What day would work better for you?

1 BOWDEN: Either or. Because I have people snitching on me ever since they got
2 busted. Is this for [Inmate-1], or him and [Inmate-3³]? I get searched when
3 I go in now.

4 CHS-1: No shit that's crazy... This is for [Inmate-1]. I don't think they are in the
5 same unit anymore.

6 BOWDEN: yeah, I'm treated like an inmate now, bag search, pocket checks and pat
7 down. So it'll be hard to get him anything right now. When it cools down
8 I have no problem getting him stuff in.

9 32. On July 12, 2016, BOWDEN met with CHS-1 in Everett, Washington. The
10 meeting was audio recorded and law enforcement personnel conducted physical
11 surveillance. Prior to and at the conclusion of the meeting, CHS-1's person and vehicle
12 were searched by the FBI to ensure there was no unaccounted for currency or contraband.
13 CHS-1 was given five cans of berry flavored Skoal brand smokeless chewing tobacco
14 and \$500 in United States currency. During that meeting, CHS-1 gave BOWDEN the
15 five cans of berry flavored Skoal chewing tobacco and \$500 in cash.

16 33. I have reviewed the audio recording of that July 12th meeting. The audio
17 recording reveals that during the July 12th meeting, BOWDEN told CHS-1 inmates are
18 "ratting" on BOWDEN after they got "popped." BOWDEN said one of the inmates is
19 working with "INI"⁴ and that BOWDEN is now getting patted down and searched on
20 certain days when he comes to work at MCC. CHS-1 gave BOWDEN the cans of
21 chewing tobacco and told BOWDEN that "[Inmate-1] is anticipating that you're not
22 going to bring all of it in today." In response, BOWDEN asked when Inmate-1 was
23 going to "come down." Based on my training, experience, and discussions with DOC-IIU
24 personnel and CHS-1, I knew this to mean that Inmate-1 applied, on specific occasions,

25
26
27 ³ On the recording, BOWDEN uses the nickname for Inmate-3.

28 ⁴ I know based upon conversations with DOC-IIU personnel that the reference to "INI" refers to "Intelligence and Investigations" meaning DOC-IIU.

1 to leave Inmate-1's cell and be in BOWDEN's area of responsibility in order to meet
2 with BOWDEN and take delivery of the contraband. BOWDEN replied "If it takes a
3 couple extra days to get it, it's not a big deal as long as it keeps us all safe."

4 34. The audio recording also revealed that CHS-1 told BOWDEN there is "five
5 hundred in there" referring to the \$500 cash CHS-1 gave to BOWDEN in the paper bag.
6 CHS-1 also said "what he [meaning Inmate-1] said is that, it's just him being in good
7 faith for paying off what you brought for [Inmate-3]." BOWDEN replied, "Yeah that
8 whole thing got all fucked up...they were supposed to make good money on it...like a
9 few grand...I'm like, I'm not asking a lot dude...split it thirds with me, because I know
10 he was working with somebody else...I was like, alright, I'll do this for you guys, split it
11 thirds with me, I don't want a lot, usually guys that bring it in, they want half, half if not
12 more...So, I'm like dude, I'm not worried about it...do your thing, don't use it!... I was
13 like, don't get high....that's the easiest way to get busted."

14 35. BOWDEN then detailed how the inmates used the illegal narcotics he
15 brought in for them and how [Inmate-3] got "popped." BOWDEN said that he hoped
16 [Inmate-3] was not going to "snitch."

17 36. BOWDEN also told CHS-1 that he makes \$17.50 per hour as a
18 Correctional Officer at MCC, so he does not really care if he gets fired "as long as [he
19 does not] get any time for it." BOWDEN expressed concern about getting a job at
20 another facility, though, stating, "I've done too many drugs in my life" and "I don't know
21 if I can pass a polygraph."

22 37. BOWDEN also told CHS-1 "I had some gang tattoos. I just got 'em
23 covered up" and that he was in the "Surenos" gang. As set forth above, a number of
24 inmates had provided information to DOC-IIU about BOWDEN's smuggling of
25 contraband. In those reports, the inmates had alleged that BOWDEN had been
26 smuggling contraband for the benefit of former members of the Surenos and Nortenos
27 gangs housed at MCC.

1 38. On July 13, 2016, MCC personnel took custody of chewing tobacco with an
2 obvious pungent sweet odor from Inmate-1 and entered it into MCC evidence. The
3 sealed package was placed into FBI evidence on September 22, 2016. The Chief
4 Investigator at MCC confirmed this was the same tobacco delivered by CHS-1 to
5 BOWDEN on July 12, 2016. The Chief Investigator noted that sweet smelling tobacco
6 with this pungent odor had never been recovered at MCC prior to this investigation.
7 Moreover, the tobacco has a very unique odor that I immediately recognized prior to
8 submitting to FBI evidence technicians.

9 39. On July 21, 2016, personnel at MCC took custody of a "Blue Glove
10 W/Tobacco (chew) in four fingers. (All in a white crew sock)" from Inmate-1 and entered
11 it into MCC evidence. The sealed package was placed into FBI evidence on September
12 22, 2016. The Chief Investigator at MCC confirmed this was the same tobacco delivered
13 by CHS-1 to BOWDEN on July 12, 2016. As noted above, BOWDEN told the CHS-1
14 that he needed to smuggle the chewing tobacco on separate occasions. The Chief
15 Investigator noted that sweet smelling tobacco with this pungent odor had never been
16 recovered at MCC prior to this investigation. Moreover, the tobacco has a very unique
17 odor that I immediately recognized prior to submitting to FBI evidence technicians.

18 **Smuggling of Contraband Electronic Device**

19 40. After hearing BOWDEN describe how he had smuggled illegal narcotics
20 into the MCC for Inmate-3 and CHS-1's reporting that BOWDEN had mentioned
21 wanting to do the "hard stuff," the FBI decided to conduct additional investigation to
22 determine if BOWDEN would smuggle illegal narcotics into MCC. On or around July
23 19, 2016, through July 31, 2016, CHS-1 and BOWDEN exchanged a number of text
24 messages at the direction of the FBI. In the text message exchange, which I collected and
25 preserved and which is set forth below, CHS-1 and BOWDEN discussed BOWDEN
26 taking a sim card into MCC in exchange for cash.

1 41. In my experience and training, I know a "sim" or "sim card" to be the
2 common vernacular used to describe a Subscriber Identity Module (SIM) card which is
3 used in modern cellular telephones and is necessary to activate or utilize a cellular
4 telephone. SIM cards are often illegally used inside prison facilities to active and utilize
5 cellular telephones that have been previously smuggled in by or left behind by inmates.

6 CHS-1: Good morning! I wanted to let you know I have a sim card for [Inmate-1]
7 with some money. You guys can talk more about it today. After you talk,
8 let me know and we can plan a time to meet tomorrow if that works for you
9 :)

10 BOWDEN: Ok.

11 CHS-1: Hey there! Do you know want to meet at the same spot again at noon?

12 BOWDEN: Nah, tell him to lay low for the week. It's a no go right now. big time hot. I
13 don't know what happened but I got pulled aside tonight and called out.
14 They said they know it's me but they can't catch me. I didn't give them
15 any info and just laughed at them and told them I didn't know what they
16 were talking about@

17 CHS-1: Hey there. How did things go last week? Are we good to meet up this
18 week?

19 BOWDEN: Idk I'm still getting searched like a mofo. He already has a phone? Just
20 needs the SIM card?

21 CHS-1: Yes! And he's out of chew. You can wrap the card in plastic wrap and
22 stick it inside the chew if that's easier.

23 BOWDEN: I can do the sim, I might be able to do the chew. But I can't promise that
24 They're on my ass big time

25 CHS-1 Not a problem! We obviously don't want to jeopardize anything. I have a
26 pretty busy day tomorrow so I'm thinking Wednesday around 11:30. Does
27 that work for you?

1 42. On August 2, 2016, CHS-1 spoke with BOWDEN on the telephone at the
2 direction of the FBI and the conversation was recorded. Among other things, BOWDEN
3 told CHS-1 "I have no problem getting him the SIM card...if he does get caught with it,
4 if he could just stay solid and not fucking dime me out." BOWDEN also told CHS-1 that
5 Inmate-1 needed to stay away from [Inmate-3] because [Inmate-3] is working with INI".
6 BOWDEN said that [Inmate-3] is pissed off because "I cut him off."

7 43. BOWDEN also said that he has no problem bringing in the SIM card
8 because it is small enough and he will not get caught smuggling it in. BOWDEN told
9 CHS-1 not to discuss "business" with Inmate-1 on the phone and only discuss in person
10 and to use "code words" when discussing business. In my training and experience, I
11 believe that by "business" BOWDEN meant his smuggling of contraband into MCC for
12 Inmate-1. During the phone call, BOWDEN and CHS-1 agreed to meet the next day.

13 44. On August 3, 2016, CHS-1 met with BOWDEN in Everett, Washington at
14 the direction of the FBI. The audio of the meeting was recorded and physical
15 surveillance was conducted by law enforcement personnel. Prior to and at the conclusion
16 of the meeting, CHS-1's person and vehicle were searched by the FBI to ensure there was
17 no unaccounted for currency or contraband. CHS-1 was given \$200 cash and a SIM card,
18 bearing serial number 890130 0801229077580F. CHS-1 provided BOWDEN the \$200
19 cash and SIM card, which BOWDEN agreed to smuggle into the prison at MCC for the
20 benefit of Inmate-1 in exchange for the cash payment.

21 45. BOWDEN said that he has a "couple of buddies" that he "works with" and
22 likes to "party" with, but "even they don't know I'm bringing in shit." [referring to
23 BOWDEN's smuggling of contraband into MCC]. CHS-1 confirmed that BOWDEN
24 was referring to other employees at MCC.

25 46. BOWDEN said he knows Inmate-3 is a "snitch," but BOWDEN is ok
26 dealing with CHS-1 and Inmate-1.

1 47. BOWDEN also told CHS-1 that "[Inmate-3's] cousin's got my number."
2 CHS-1 said "didn't you say that you were working with his cousin?" In my training,
3 experience, and through the facts discovered during the course of the investigation, it is
4 my understanding that "working" with is a reference to BOWDEN's scheme in which he
5 was smuggling narcotics in for the benefit of [Inmate-3's] cousin, another inmate at
6 MCC. BOWDEN replied "yeah" and continued "his cousin's in the hole...somebody
7 snitched on him for something, he's in the hole now...that whole place is full of fucking
8 snitches, it's horrible, it's so bad...if this were any other prison, people would be stabbed
9 every fucking day...even when guys come to me and they snitch, I'm like, I don't want to
10 fucking hear it. I don't deal with snitches." CHS-1 told BOWDEN "I made it very clear
11 to [Inmate-1] that he is not to use any of what...I don't want him to get popped
12 randomly...this is strictly a business situation."

13 48. During the meeting, BOWDEN detailed how he is currently being searched
14 at work, so it is becoming increasingly difficult to smuggle in chewing tobacco and
15 narcotics. During the meeting, CHS-1 asked BOWDEN, "So they are checking other
16 people too consistently?" and BOWDEN replied "Not consistently, no."

17 49. CHS-1 asked "Do you think anyone else, as far as cop-wise, is doing shit?"
18 and BOWDEN replied "Oh, most definitely...somebody is bringing in heroin, I know
19 that for a fact...so [Inmate-3's cousin], which is [Inmate-3's] cousin...somebody was
20 bringing him stuff before I started hooking him up, and then...the first time it started
21 getting hot, I was like, cut everything off, sorry guys...but they were still getting shit
22 in....Whoever it is, I think it's a couple people, I don't really ask...I don't want to
23 know...If I did ask and then tell me, I think I'd be mad...because if it went the other
24 way...they snitch me out."

25 50. BOWDEN said "that's why I was pretty much just fucking with [Inmate-
26 3's cousin], because he's a high ranking Sureno...I know he won't snitch, no matter what
27 the fuck happens."

1 51. BOWDEN and CHS-1 also discussed inmates at MCC using
2 methamphetamine that BOWDEN had smuggled into the MCC for their own personal
3 use instead of selling the narcotics for money. BOWDEN said "with what I brought
4 them, they could have made about four grand...if they would have just flipped it...a gram
5 of 'shards' goes for like three hundred bucks...for a gram of 'shards.'" I know in my
6 training and experience, that "shards" refers to methamphetamine. CHS-1 said "I
7 couldn't even imagine being high in prison" and, in response, BOWDEN said "I
8 wouldn't want to...the only thing I'd want to do in prison is smoke weed...but that's too
9 easy to get caught because it smells too bad. That's the first thing they brought to
10 me...dude can you get me some weed. I'm like no, not happening...the kind of weed I
11 get you can smell from fucking fifty feet away...I get primo fucking Washington weed."

12 52. CHS-1 asked BOWDEN, "so you've only brought in shards, then?" to
13 which BOWDEN replied, "Yeah...I told them I don't want to fuck with 'black'...I'm not
14 a big fan of heroin...shards, whatever, you can't OD [meaning overdose] on 'shards.'" BOWDEN
15 said he will not bring in heroin because he cannot bring it in every week and
16 inmates will get sick if they do not have a regular supply coming in. BOWDEN said he
17 will not smuggle in "oxy" because "oxy" is too expensive on the street. BOWDEN
18 continues "If it was five years ago, shit I'd bring in 'oxy' all day." In my training and
19 experience, "black" refers to black tar heroin and "oxy" refers to Oxycodone, both
20 controlled substances.

21 53. CHS-1 asked BOWDEN if Inmate-1 should plan to come see BOWDEN
22 that day at MCC. BOWDEN told CHS-1 to have Inmate-1 come see him that day and
23 that he will have it [meaning the SIM card] when Inmate-1 shows up. CHS-1 then gave
24 BOWDEN \$200 in cash and the SIM card to be smuggled into MCC. BOWDEN told
25 CHS-1 to ensure that Inmate-1 does not use the SIM to call BOWDEN and to keep
26 BOWDEN's "number out of it."

1 54. On August 4, 2016, personnel at MCC took custody, from Inmate-1, of the
2 SIM card CHS-1 gave to BOWDEN on August 3, 2016. The SIM card serial number
3 was noted by the Chief Investigator of DOC-IIU at MCC and placed into evidence at
4 MCC. I compared the serial number and verified it to be the same SIM card that CHS-1
5 gave to BOWDEN on August 3, 2016, at the direction of the FBI. The sealed package
6 containing SIM card, serial number 890130 0801229077580F, was entered into FBI
7 evidence on September 22, 2016.

8 Smuggling of Contraband Narcotics

9 55. On August 23, 2016, CHS-1 spoke with BOWDEN on his cellular
10 telephone. Because CHS-1 was out with friends, CHS-1 did not record this call.
11 According to CHS-1's reporting, BOWDEN said that he was not able to meet very long
12 with Inmate-1 because there were too many cops [meaning Correctional Officers] around.
13 BOWDEN expressed concerns that inmates and/or other Correctional Officers were
14 "snitching" on him for smuggling in contraband. BOWDEN did not want to bring in any
15 more narcotics until things quieted down at MCC because he did not want to get caught.
16 BOWDEN said that he was not smuggling in any narcotics for anyone right now because
17 it was too "hot" at MCC. In order for BOWDEN to smuggle narcotics into the secure
18 area at MCC, he needs to pass through screening. During screening there is potential that
19 his bag and/or person may be searched. Additionally, there is potential that a canine,
20 trained to alert on narcotics, could be present at screening.

21 56. On August 29, 2016, I interviewed Inmate-1 with assistance from DOC-
22 IIU. Inmate-1 reported that BOWDEN wanted CHS-1 to reach out to BOWDEN to set
23 up a meeting during which CHS-1 would deliver one half ounce of methamphetamine
24 and \$1,000. At the direction of DOC-IIU, Inmate-1 had told BOWDEN that Inmate-1
25 needed a cellphone to aid in the distribution of narcotics inside MCC. CHS-1 later told
26 BOWDEN that Inmate-1 was able to get a cellphone, but he needed a SIM card. After
27 BOWDEN delivered the SIM card to Inmate-1, Inmate-1 told BOWDEN that he would

1 be ordering methamphetamine from a dealer who would then deliver it to BOWDEN
2 with a cash payment to serve as payment for the BOWDEN smuggling the
3 methamphetamine into MCC. Inmate-1 also reported that he and BOWDEN had
4 discussed giving BOWDEN a portion of the profits from the sale of the meth inside
5 MCC. BOWDEN said that he did not want to meet with anyone else, because BOWDEN
6 trusts CHS-1. BOWDEN would then smuggle the methamphetamine, provided by CHS-
7 1, to Inmate-1 for Inmate-1 to sell and distribute inside MCC. Inmate-1 also suggested to
8 BOWDEN that CHS-1 could get cocaine for BOWDEN's personal use.

9 57. On September 19, 2016, CHS-1 and BOWDEN participated in the
10 following text message exchange at my direction:

11 BOWDEN: We good for tomorrow?

12 CHS-1: Yes! I wasn't able to meet with them [meaning the alleged drug dealers
13 known to CHS-1] today but will in the morning. See you tomorrow

14 BOWDEN: Ok cool. Are these your people [meaning the alleged drug dealers known
15 to CHS-1]?

16 Let [Inmate-1] know that he's going to have to come after dinner
17 movements for the next 2 days.

18 58. On September 20, 2016, BOWDEN met with CHS-1 in Everett,
19 Washington. The meeting was audio recorded and law enforcement personnel conducted
20 surveillance. Prior to and at the conclusion of the meeting, CHS-1's person and vehicle
21 were searched by the FBI to ensure there was no unaccounted for currency or contraband.
22 I provided CHS-1 with approximately one half ounce of a substance made to look like
23 methamphetamine, one can of chewing tobacco, and \$1,000 in cash. The white
24 crystallized substance was tightly packaged into a small clear ziplock type baggie with
25 clear tape over the top and then placed inside a larger pink-clear ziplock type baggie with
26 clear-yellow packing tape over the top. During the meeting, CHS-1 gave BOWDEN the
27 substance in the package and the can of chewing tobacco for BOWDEN to smuggle into
28

1 the prison facility at MCC for the benefit of Inmate-1. CHS-1 also gave BOWDEN the
2 \$1,000 in cash for payment to smuggle the narcotics into MCC and as BOWDEN's
3 portion of the proceeds from the sale of the narcotics inside the facility.

4 59. During the September 20th meeting CHS-1 asked, in reference to
5 BOWDEN's prior comments that he was being searched at MCC and he was being
6 watched for smuggling in contraband, "So how's it been...been better, I'm assuming?"
7 BOWDEN responded, "A little bit." CHS-1 then said "Yeah, I know you...we were
8 waiting a little bit, you know, just for things to cool down." BOWDEN responded that
9 "things are starting to cool down a little bit...they've started to do bag searches, pat
10 downs on everybody...I'm not the only one." BOWDEN continued to say "there has
11 been a shit ton of stuff coming in." In my experience and from conversations with DOC-
12 IIU personnel at MCC, it is my understanding that inmates had been drug tested at MCC
13 during the prior weeks and it was discovered that narcotics were being introduced into
14 and used by the inmate population at MCC.

15 60. During the September 20th meeting CHS-1 also said, in reference to the
16 substance made to look like methamphetamine, "I had my friend try to deodorize it as
17 much as possible, cause I didn't know how you were going to...so it's in two
18 baggies...I'll show it to you...one's a bigger baggie and then one's a smaller one. The
19 smaller one was deodorized and it's like sealed as tight as possible for dogs, in case..."

20 61. During the September 20th meeting CHS-1 also discussed getting "coke"
21 [meaning cocaine] for BOWDEN's personal use, but stated that CHS-1 was unable to get
22 it for BOWDEN before the meeting. CHS-1 stated "I have the thousand bucks in there
23 for that..." in reference to the \$1,000 in cash BOWDEN accepted in exchange for
24 smuggling in the substance made to look like methamphetamine. CHS-1 told BOWDEN
25 that Inmate-1 was expecting it "tonight," and BOWDEN stated that "I'd rather bring it all
26 in at once," in reference to the package containing the fake methamphetamine.
27 BOWDEN continued "that's why I told him [Inmate-1] later, cause if they do have the

1 drug dog in there, he usually leaves about four.” CHS-1 then showed BOWDEN the
2 \$1,000 in cash, the package of substance made to look like methamphetamine and one
3 can of chewing tobacco.

4 62. During the September 20, 2016 meeting, BOWDEN told CHS-1 that he
5 recently did an “8-ball” with a girlfriend of his and it was not of good quality. In my
6 training and experience, BOWDEN is referring to cocaine. CHS-1 and BOWDEN
7 discussed current pricing for an “8-ball” of cocaine and CHS-1 said “I hear the ‘shards’
8 are...what you’re bringing today...I hear that should be good...” CHS-1 continued
9 “make the coke as good as the shards and we’ll be good to go.” In my training,
10 experience and review of recordings with BOWDEN, “shards” refers to
11 methamphetamine.

12 63. On September 20, 2016, I received a telephone call from the Chief
13 Investigator in DOC-IIU notifying me that Inmate-1 had taken delivery of the same
14 substance in the same packaging CHS-1 delivered to BOWDEN to be smuggled into
15 MCC, and that Inmate-1 had provided it to DOC-IIU. On September 21, 2016, the Chief
16 Investigator notified me that he had taken custody of the same package earlier in the
17 morning and entered it into MCC evidence. The package was entered into FBI evidence
18 on September 22, 2016.

19 **Effect on Interstate Commerce**

20 64. The illegal sale, distribution, possession with intent to distribute, and
21 trafficking in controlled substances, that is, methamphetamine, are activities that affect
22 interstate commerce.

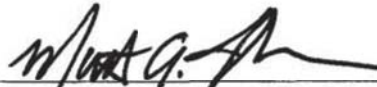
23 65. Additionally, I know that the chewing tobacco and SIM card BOWDEN
24 delivered to Inmate-1 were manufactured outside Washington State and are items that are
25 shipped in interstate commerce.

26 //

27 //

CONCLUSION

66. The above facts are true and correct to the best of my knowledge and belief. Based upon the above, I believe there is probable cause to believe that MICHAEL W. BOWDEN has committed acts in violation of Title 18, United States Code, Section 1951(a) and Title 21, United States Code, Section 841(a)(1) as alleged in this Complaint and Affidavit.



Matthew A. Thoresen
Special Agent
Federal Bureau of Investigation

Based upon the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the defendant committed the offenses set forth in the Complaint.

Dated this 27th day of September, 2016.



HON. BRIAN A. TSUCHIDA
United States Magistrate Judge